UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
97-1090, -1133

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record. The disposition will appear in tables published periodically.

RICHARD D. GREEN,
Plaintiff-Appellant,
v.
GERBER PRODUCTS COMPANY,
Defendant/Cross-Appellant.

DECIDED: August 12, 1997

Before MAYER, MICHEL, and CLEVENGER,
Circuit Judges.

PER CURIAM.

Richard D. Green appeals and Gerber Products Company cross appeals the summary judgment of the United States District Court for the Central District of California, No. 95-CV-8380 (June 24, 1996). We *affirm* and court's determination of noninfringement, but *vacate* the judgment to the extent that it could be interpreted to declare that the patent is valid on the basis of the evidence submitted with Gerber's motion for summary judgment of invalidity.